

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MATTHEW DRAGOTTA,)	
individually and on behalf of all)	Case No. 09-cv-00627-TFM
others similarly situated,)	
)	
Plaintiff,)	
)	
v.)	
)	
WEST VIEW SAVINGS BANK,)	Filed Electronically
)	
Defendant.)	

**PLAINTIFF’S MOTION FOR AWARD OF ATTORNEYS’ FEES, REIMBURSEMENT
OF EXPENSES AND PAYMENT OF PLAINTIFF INCENTIVE AWARD**

Plaintiff, Matthew Dragotta, hereby moves this Court for an award of attorneys’ fees, reimbursement of expenses and payment of Plaintiff incentive award. In support thereof, Plaintiff states as follows:

1. This class action was filed on May 21, 2009 on behalf of Plaintiff and a class of consumers against West View Savings Bank (the “Bank” or “Defendant”).
2. The Complaint alleges that the Bank violated the ATM fee disclosure requirements of the Electronic Funds Transfer Act, 15 U.S.C. § 1693 *et seq.* (“EFTA”).
3. The Bank has at all times denied, and continues to deny, that it has committed any unlawful acts whatsoever or that it has any liability whatsoever to Plaintiff or the Class.
4. The total lodestar and costs incurred by Counsel for Plaintiff and the Class are \$108,012.42. The tasks undertaken by Class Counsel to reach a successful resolution of this case are summarized in Class Counsels’ Declaration attached to this Motion.¹

¹ See Declaration of R. Bruce Carlson In Support of Motion for Attorneys’ Fees, Costs and Plaintiff’s Incentive Award attached as Exhibit 1.

5. As set forth more fully in the accompanying Memorandum of Law, Plaintiff is applying for attorneys' fees in the amount of \$62,436.50 and an amount up to \$2,500.00 for allowable litigation costs and expenses, consistent with the specific terms of the Settlement Agreement. The requested fees and costs represents a significant discount from the total lodestar and costs incurred by Class Counsel.

6. Plaintiff is also applying for a reasonable and appropriate incentive payment of \$1,500.00 in recognition of his effort on behalf of the Class. The Bank has agreed to make this payment as is set forth in the Settlement Agreement.

WHEREFORE, Plaintiff respectfully requests that he be awarded attorneys' fees in the amount of \$62,436.50 and litigation costs in the amount of 2,500.00 consistent with the specific terms of the Settlement Agreement plus an incentive payment of \$1,500.00.

Respectfully submitted,

/s/ R. Bruce Carlson
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